

FILED 09 MAR 19 17:22 USDC-ORM

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

JANINE CONNORS,

Plaintiff,

CV 07-1430-CL

v.

ORDER

MICHAEL J. ASTRUE, Commissioner,  
Social Security Administration,

Defendant.

**PANNER, District Judge:**

Magistrate Judge Mark D. Clarke filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Although no objections have been timely filed, this court reviews legal principles *de novo*. See Lorin Corp. v Goto & Co., Ltd., 700 F.2d 1202, 1206 (9th Cir. 1983). I find no error. Accordingly, I ADOPT the Report and Recommendation of Magistrate Judge Clarke.

**CONCLUSION**

Magistrate Judge Clarke's Report and Recommendation (#21) is adopted. The decision of the Commissioner is reversed and the

matter is remanded pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings consistent with the Report and Recommendation. The Administrative Law Judge must either accept or properly reject Dr. Westfall's opinion regarding plaintiff's limitation to occasional reaching; clarify the RFC determination and provide an accurate hypothetical to the vocational expert; and make a determination on plaintiff's disability application according to the new evidence.

IT IS SO ORDERED.

DATED this 19 day of March, 2009.

A handwritten signature in cursive script, reading "Owen M. Panner", is written over a horizontal line.

OWEN M. PANNER  
U.S. DISTRICT JUDGE